S.B. Civil Misc. Pauper Application No.2/2005
Shanker Lal
vs
Inder Pal & Anr.

Date of order : 29.8.2007.

HON'BLE MR. PRAKASH TATIA, J.

Mr. Harish Purohit, for the appellant.
Mr. DL Mothsra, for the respondent.

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Heard learned counsel for the parties.

The appellant sought permission to prefer the regular first appeal as indigent person and for that purpose, the appellant has field this application under Order 44 CPC. The appellant has also submitted schedule of his properties, though not alongwith the application seeking permission to prefer the appeal as indigent person, but subsequently after four months. In the application also, the appellant has not disclosed his income from the agricultural land despite mentioning the market value of the land as Rs.2,13,937/-, which appears to be the suit valuation and the consideration for the land in dispute as shown by the plaintiff- respondent for the land which was of the year 1999. The application has been filed in the year 2006, therefore, it appears that valuation of the land given in the schedule as on the date of filing of the application cannot be correct valuation of the property in dispute. Since the total court fees payable is about Rs.10,000/- and odd, therefore, the fact,

which has been suppressed by the petitioner in his schedule of properties is relevant and goes to the root of the matter.

Therefore, the application is dismissed on the ground of not disclosing the complete facts about the property and earning of the petitioner. However, the appellant is permitted to submit the court fees within a period of two months from today. In case, the court fees is not furnished within a period of two months from today, the appeal shall stand automatically dismissed without reference to the court. The file of this pauper application shall remain attached with the appeal.

(PRAKASH TATIA), J.

c.p.goyal/-